

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

FEB 1 2007 A.M. 31

WILSON AUSTIN,

Plaintiff,

vs.

CIVIL ACTION NO.: CV205-230

LAMB'S YACHT CENTER, INC.,

Defendant.

ORDER

Plaintiff has filed a Motion to Set Aside Default Judgment entered on December 15, 2006, on Defendant's Counterclaim. Defendant has filed a response.

On October 23, 2006, Defendant filed a Motion for Leave to Amend Answer and Counterclaim. The unopposed motion was granted by Order dated November 16, 2006. The Amended Answer and Counterclaim was filed on November 21, 2006. On December 15, 2006, Defendant moved for Entry of Default asserting that no answer to the Amended Counterclaim had been filed by Plaintiff. The Clerk's Entry of Default was entered that same date. In his Motion to Set Aside Default Judgment, Plaintiff states, in his motion and an affidavit, that he never received Defendant's Amended Answer and Counterclaim, and presumed Defendant had abandoned the motion.

After review and consideration, Plaintiff's Motion to Set Aside the Default Judgment entered on December 15, 2006, is **GRANTED**. Plaintiff shall file his desired answer to Defendant's Amended Counterclaim within seven (7) days of the date of this Order.

SO ORDERED, this 31st day of January, 2007.


Anthony A. DeLoach
JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA